

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3773
OFFERED BY M. _____**

At the appropriate place in the bill insert the following new section:

1 SEC. ____ . DEFINITIONS.

2 (a) AGENT OF A FOREIGN POWER.—Subsection

3 (b)(1) of section 101 of the Foreign Intelligence Surveil-

4 lance Act of 1978 (50 U.S.C. 1801) is amended—

5 (1) in subparagraph (B), by striking “; or” and
6 inserting “;”; and

7 (2) by adding at the end the following:

8 “(D) is reasonably expected to possess,
9 control, transmit, or receive foreign intelligence
10 information while such person is in the United
11 States, provided that the certification required
12 under section 104(a)(6) or 303(a)(6) contains a
13 description of the kind of significant foreign in-
14 telligence information sought;”.

15 (b) ELECTRONIC SURVEILLANCE.—Subsection (f) of
16 such section is amended to read as follows:

17 “(f) ‘electronic surveillance’ means—

1 “(1) the installation or use of an electronic, me-
2 chanical, or other surveillance device for acquiring
3 information by intentionally directing surveillance at
4 a particular, known person who is reasonably be-
5 lieved to be located within the United States under
6 circumstances in which that person has a reasonable
7 expectation of privacy and a warrant would be re-
8 quired for law enforcement purposes; or

9 “(2) the intentional acquisition of the contents
10 of any communication under circumstances in which
11 a person has a reasonable expectation of privacy and
12 a warrant would be required for law enforcement
13 purposes, if both the sender and all intended recipi-
14 ents are reasonably believed to be located within the
15 United States.”.

16 (c) WIRE COMMUNICATION.—Such section is further
17 amended by striking subsection (l).

18 (d) MINIMIZATION PROCEDURES.—Subsection (h) of
19 such section is amended—

20 (1) in paragraph (3) by striking “; and” and in-
21 serting “.”; and

22 (2) by striking paragraph (4).

23 (e) CONTENTS.—Subsection (n) of such section is
24 amended to read as follows:

1 “(n) ‘Contents’, when used with respect to a commu-
2 nication, includes any information concerning the sub-
3 stance, purport, or meaning of that communication.”.